

Appendix S

Public Comments Received on the Draft EIR



10/18/2024

Comment Letter S-1

City: Goleta - Building and Planning
Brian Hiefield
130 Cremona Drive, Goleta, CA 93117, USA
bhiefield@cityofgoleta.org

Construction Site Well Review (CSWR) ID: 1013095

Assessor Parcel Number(s): 071190035

Property Owner(s): Sywest Development

Project Location Address: 907 South Kellogg Avenue Goleta, California 93117

Project Title: Sywest Industrial Building 907 South Kellogg Avenue

Public Resources Code (PRC) § 3208.1 establishes well reabandonment responsibility when a previously plugged and abandoned well will be impacted by planned property development or construction activities. Local permitting agencies, property owners, and/or developers should be aware of, and fully understand, that significant and potentially dangerous issues may be associated with development near oil, gas, and geothermal wells.

S-1.1

The California Geologic Energy Management Division (CalGEM) has received and reviewed the above referenced project dated 10/18/2024. To assist local permitting agencies, property owners, and developers in making wise land use decisions regarding potential development near oil, gas, or geothermal wells, the Division provides the following well evaluation.

The project is located in Santa Barbara County, within the boundaries of the following fields:

N/A

S-1.2

This project is located within the administrative boundaries of the La Goleta Gas field. There is an active Underground Gas Storage project within 1/2 mile of this project. The closest plugged and abandoned

well is "Oakley" 1 (API 0408303397). This well is located approximately 1,000 feet south east of the subject parcel. There are approximately three hundred or more plugged and abandoned oil and gas prospect wells located throughout the Goleta Area. These wells have the potential to be impacted by development activities. The approximate locations and records for these wells can be viewed at: <https://www.conservation.ca.gov/calgem/Pages/WellFinder.aspx>

Our records indicate there are no known oil or gas wells located within the project boundary as identified in the application.

- Number of wells Not Abandoned to Current Division Requirements as Prescribed by Law and Projected to Be Built Over or Have Future Access Impeded by this project: 0
- Number of wells Not Abandoned to Current Division Requirements as Prescribed by Law and Not Projected to Be Built Over or Have Future Access Impeded by this project: 0
- Number of wells Abandoned to Current Division Requirements as Prescribed by Law and Projected to Be Built Over or Have Future Access Impeded by this project: 0
- Number of wells Abandoned to Current Division Requirements as Prescribed by Law and Not Projected to Be Built Over or Have Future Access Impeded by this project: 0

The Division categorically advises against building over, or in any way impeding access to, oil, gas, or geothermal wells. Impeding access to a well could result in the need to remove any structure or obstacle that prevents or impedes access including, but not limited to, buildings, housing, fencing, landscaping, trees, pools, patios, sidewalks, roadways, and decking. Maintaining sufficient access is considered the ability for a well servicing unit and associated necessary equipment to reach a well from a public street or access way, solely over the parcel on which the well is located. A well servicing unit, and any necessary equipment, should be able to pass unimpeded along and over the route, and should be able to access the well without disturbing the integrity of surrounding infrastructure.

There are no guarantees a well abandoned in compliance with current Division requirements as prescribed by law will not start leaking in the future. It always remains a possibility that any well may start to leak oil, gas, and/or water after abandonment, no matter how thoroughly the well was plugged and abandoned. The Division acknowledges wells plugged and abandoned to the most current Division requirements as prescribed by law have a lower probability of leaking in the future, however there is no guarantees that such abandonments will not leak.

The Division advises that all wells identified on the development parcel prior to, or during, development activities be tested for liquid and gas leakage. Surveyed locations should be provided to the Division in Latitude and Longitude, NAD 83 decimal format. The Division expects any wells found leaking to be

reported to it immediately.

Failure to plug and reabandon the well may result in enforcement action, including an order to perform reabandonment well work, pursuant to PRC § 3208.1, and 3224.

PRC § 3208.1 give the Division the authority to order or permit the re-abandonment of any well where it has reason to question the integrity of the previous abandonment, or if the well is not accessible or visible. Responsibility for re-abandonment costs may be affected by the choices made by the local permitting agency, property owner, and/or developer in considering the general advice set forth in this letter. The PRC continues to define the person or entity responsible for reabandonment as:

1. The property owner - If the well was plugged and abandoned in conformance with Division requirements at the time of abandonment, and in its current condition does not pose an immediate danger to life, health, and property, but requires additional work solely because the owner of the property on which the well is located proposes construction on the property that would prevent or impede access to the well for purposes of remedying a currently perceived future problem, then the owner of the property on which the well is located shall obtain all rights necessary to reabandon the well and be responsible for the reabandonment.
2. The person or entity causing construction over or near the well - If the well was plugged and abandoned in conformance with Division requirements at the time of plugging and abandonment, and the property owner, developer, or local agency permitting the construction failed either to obtain an opinion from the supervisor or district deputy as to whether the previously abandoned well is required to be reabandoned, or to follow the advice of the supervisor or district deputy not to undertake the construction, then the person or entity causing the construction over or near the well shall obtain all rights necessary to reabandon the well and be responsible for the reabandonment.
3. The party or parties responsible for disturbing the integrity of the abandonment - If the well was plugged and abandoned in conformance with Division requirements at the time of plugging and abandonment, and after that time someone other than the operator or an affiliate of the operator disturbed the integrity of the abandonment in the course of developing the property, then the party or parties responsible for disturbing the integrity of the abandonment shall be responsible for the reabandonment.

No well work may be performed on any oil, gas, or geothermal well without written approval from the Division. Well work requiring approval includes, but is not limited to, mitigating leaking gas or other fluids from abandoned wells, modifications to well casings, and/or any other re-abandonment work. The Division also regulates the top of a plugged and abandoned well's minimum and maximum depth below final grade. CCR §1723.5 states well casings shall be cut off at least 5 feet but no more than 10 feet

below grade. If any well needs to be lowered or raised (i.e. casing cut down or casing riser added) to meet this regulation, a permit from the Division is required before work can start.

The Division makes the following additional recommendations to the local permitting agency, property owner, and developer:

1. To ensure that present and future property owners are aware of (a) the existence of all wells located on the property, and (b) potentially significant issues associated with any improvements near oil or gas wells, the Division recommends that information regarding the above identified well(s), and any other pertinent information obtained after the issuance of this letter, be communicated to the appropriate county recorder for inclusion in the title information of the subject real property.
2. The Division recommends that any soil containing hydrocarbons be disposed of in accordance with local, state, and federal laws. Please notify the appropriate authorities if soil containing significant amounts of hydrocarbons is discovered during development.

As indicated in PRC § 3106, the Division has statutory authority over the drilling, operation, maintenance, and abandonment of oil, gas, and geothermal wells, and attendant facilities, to prevent, as far as possible, damage to life, health, property, and natural resources; damage to underground oil, gas, and geothermal deposits; and damage to underground and surface waters suitable for irrigation or domestic purposes. In addition to the Division's authority to order work on wells pursuant to PRC §§ 3208.1 and 3224, it has authority to issue civil and criminal penalties under PRC §§ 3236, 3236.5, and 3359 for violations within the Division's jurisdictional authority. The Division does not regulate grading, excavations, or other land use issues.

If during development activities, any wells are encountered that were not part of this review, the property owner is expected to immediately notify the Division's construction site well review engineer in the Northern district office, and file for Division review an amended site plan with well casing diagrams. The District office will send a follow-up well evaluation letter to the property owner and local permitting agency.

Should you have any questions, please contact me at (805) 937-7246 or via email at Trey.Powell@conservation.ca.gov.

Sincerely,

Trey Powell
Northern District Deputy

cc: Brian Hiefield - Plan Checker



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



Comment Letter S-2

November 22, 2024

Brian Hiefield
City of Goleta
130 Cremona Drive Suite B
Goleta, CA 93117
bhiefield@cityofgoleta.org

SUBJECT: DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE SYWEST BUILDING PROJECT, SCH NO. 2023040690, SANTA BARBARA COUNTY, CA

Dear Brian Hiefield:

The California Department of Fish and Wildlife (CDFW) reviewed the Draft Environmental Impact Report (DEIR) from the City of Goleta (City) for the Sywest Industrial Building Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines¹.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

S-2.1

CDFW ROLE

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Fish & G. Code, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW may also act as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law² of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.) or the Native Plant Protection Act (NPPA; Fish & G. Code, §1900 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

S-2.1
cont.

PROJECT DESCRIPTION SUMMARY

Proponent: Sywest Development (SD)

Objective: The objective of the Project is to demolish existing and associated structures of a drive-in theater, including one dewatering well, to construct a 70,594 square foot industrial warehouse building with landscaping, parking spaces, and loading zones. The total acreage of the Project is 11.77-acres with 6.75-acres consisting of development area.

Additional Project activities include the construction of a detention basin at the southern border of the development area as well as a new outfall in the existing San Jose Creek concrete channel wall. A 400-square-foot temporary cofferdam staging area is proposed to occur within the San Jose Creek bed, below the new storm drain outfall. At an existing storm drain, a catch basin inlet filter would be installed. Additionally, as the Project area is mapped within a 100-year floodplain, between four to six feet of fill is proposed to be used to elevate the industrial building above the floodplain elevation. Construction activities include grading, building construction, paving, architectural coating, landscaping, and implementation of lighting fixtures.

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Location: The Project is located at 907 South Kellogg Avenue (Assessor's Parcel Number 071-190-035) in Goleta Valley. San Jose Creek is located directly southeast and Old San Jose Creek is located west of the Project area. State Route 217 lies parallel to San Jose Creek, southeast of the Project area. San Jose Creek drains into the Goleta Slough Ecological Reserve in the west.

Timeframe: Construction of the proposed project is anticipated to begin in July 2027 and end in September 2028.

Biological Setting: The surrounding land uses of the Project area are industrial and residential development to the north, undeveloped open space to the southwest, and tidal wetland and stormwater infrastructure to the southeast. Part of this tidal wetland is the Goleta Slough Ecological Reserve, which contains breeding populations of Belding's savannah sparrow (*Passerculus sandwichensis beldingi*; CESA-listed endangered). The Goleta Slough Ecological Reserve includes a variety of habitat types to support an array

² "Take" is defined in Section 86 of the Fish and Game Code as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill."

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species, and its purpose is to protect critical coastal salt marsh habitat (CDFW 2024a). San Jose Creek is designated as an Environmentally Sensitive Habitat Area in the Conservation Element of the City's General Plan.

A Biological Resource Report was prepared by Rachel Tierney Consulting on March 28, 2018, and an updated Biological Report Amendment and Wetland Delineation Report was prepared by Watershed Environmental on May 12, 2023. The vegetation communities within the 300-foot buffer from property boundary (Study Area) are arroyo willow riparian scrub (4.10 acres), coastal sage scrub (0.27 acres), cottonwood/arroyo willow riparian woodland (0.63 acres), coyote brush scrub (1.61 acres), dune sedge (0.16 acres), iceplant (0.29 acres), ornamental trees and shrubs (0.58 acres), Pacific willow/arroyo willow riparian woodland (1.81 acres), quailbush scrub (0.59 acres), and salt marsh (0.33 acres).

Sensitive species that are of potential concern for the Project include Crotch's bumble bee (*Bombus crotchii*; CESA candidate endangered), and native plant species and habitats.

The DEIR provides mitigation for nesting birds, sensitive species, best management practices, invasive species control, and pesticide use. Existing landscaped vegetation will be replaced with native vegetation. The DEIR does not include compensatory mitigation for impacts to any natural habitats.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Additional comments or other suggestions may also be included to improve the document.

COMMENT # 1: Impacts to Belding's Savannah Sparrow

Issue: Mitigation measure (MM) BIO-2 for Belding's savannah sparrow may be improved to ensure adequate surveys occur prior to the start of construction and to reduce potential impacts.

Specific impact: The DEIR proposes a 250-foot buffer to avoid impacts on Belding's savannah sparrow. Direct impacts from construction activities or indirect impacts from light or noise could still occur at this distance.

Why impact would occur: Belding's savannah sparrow typically nests in the pickleweed salt marsh vegetation (USFWS 2024). Old San Jose Creek and San Jose Creek provide suitable habitat, such as pickleweed, for Belding's savannah sparrow within the Study Area. According to the California Natural Diversity Database (CNDDDB), there was a recent observation of Belding's savannah sparrow approximately one mile

S-2.2
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S-2.3

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from the Project area (CDFW 2024b). The DEIR includes an avoidance and survey buffer of 250 feet within construction activities. However, 250 feet may not be an adequate buffer distance. Disturbances too close to the nest may impact the parents' ability to forage effectively and reduce nestlings' chances of survival. In some cases, disturbance can cause the parents to abandon the nest completely.

Evidence impact would be significant: Sections 3503, 3503.5, and 3513 of the Fish and Game Code protect nesting and migratory birds and birds of prey. Section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by the Fish and Game Code or any regulation made pursuant thereto. Section 3503.5 states that it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by the Fish and Game Code or any regulation adopted pursuant thereto. Section 3513 states that it is unlawful to take or possess any migratory nongame bird as designated in the federal Migratory Bird Treaty Act (MBTA).

Impacts to special status wildlife species should be considered significant under CEQA unless they are clearly mitigated below a level of significance. Inadequate avoidance, minimization, and mitigation measures for impacts on the Belding's savannah sparrow will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on a wildlife species identified as special status by CDFW and USFWS. As to CESA, take of any endangered, threatened, candidate species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9). Take under ESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by interfering with essential behavioral patterns such as breeding, foraging, or nesting.

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Recommended Potentially Feasible Mitigation Measure(s)

Mitigation Measure #1: Belding's Savannah Sparrow Avoidance - The City should revise MM BIO-2 to incorporate the underlined language and omit the language in strikethrough:

To avoid indirect impacts to nesting habitat for the Belding's savannah sparrow (*Passerculus sandwichensis beldingi* (BSS)), the construction contractor shall schedule noise and vibration-generating construction (excavation) within 250 ~~500~~ feet of suitable salt marsh (pickleweed) habitat within San Jose Creek and Old San Jose Creek to avoid the BSS breeding season. If avoidance during the BSS nesting season (March 15 through July 15) is infeasible, not more than ~~4-week~~ three days before initiation of excavation a City-approved biologist (retained by the Applicant/Permittee) with experience identifying and observing BSS shall conduct BSS surveys in suitable habitat with 250 ~~500~~ feet of construction to ensure that nests or individuals are not present in the work area or 250 ~~500~~-foot buffer. The City-approved biologist shall conduct two

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morning surveys (1/2 hour before sunrise to 10:00 am) in saltmarsh habitat within ~~250~~ 500 feet of the development footprint determine the presence of Belding's savannah sparrows in these areas. A recording of this species may not be used to detect the species unless the City-approved biologist has a Memorandum of Understanding issued by CDFW. The City-approved biologist shall note the type of bird activity observed and behavior such as defending territory, singing for a mate, scolding intruders, perching together, nest building, feeding young, and aerial chasing. If no BSS are observed within the ~~250~~ 500-foot buffer excavation may commence. The City-approved biologist shall then continue weekly surveys during all project activities to monitor for the presence of the BSS from March 15 through July 15.

If an active BSS nest is observed within ~~250~~ 500 feet of the development area, the construction contractor shall cease project activities ~~within 250 feet of the nest~~, and the City-approved biologist shall contact the California Department of Fish and Wildlife (CDFW) and the City's Planning and Environmental Review Director within ~~48~~ 24 hours. ~~No project activities shall occur in in the 250-foot buffer until any young birds have fledged and left the area.~~

Verification that the construction schedule, surveys, and monitoring are being implemented shall be sent to the CDFW and the City prior to ground disturbing activities. The City-approved biologist shall document observations of BSS on California Natural Diversity Database forms and submitted to the CDFW upon project completion.

Plan Requirements and Timing: Not more than 3 days before ground disturbance if ground disturbances commences between March 15 through July 15, including exporting or importing of soil, within ~~250~~ 500 feet of salt marsh vegetation, the Planning and Environmental Review Director, or designee, shall verify that construction and grading occurs outside the nesting season, or that BSS nest surveys have been conducted, and buffer requirements specified above are in place (if applicable). This measure, and any buffer requirements, shall be incorporated into the grading plans. A ~~250~~ 500-foot buffer from salt marsh habitat shall be depicted on the grading plans.

Monitoring: The Planning and Environmental Review Director, or designee, shall verify compliance not more than ~~4-week~~ three days before ground disturbances within ~~250~~ 500 feet of salt marsh vegetation if commencing between March 15 through July 15. Planning and Environmental Review Director, or designee, shall conduct periodic site inspections to ensure compliance throughout the construction period.

Mitigation Measure #2: Belding's Savannah Sparrow Incidental Take Permit

If Belding's savannah sparrow is detected, the Project proponent shall coordinate with CDFW and obtain appropriate take authorization from CDFW pursuant to Fish & Game Code section 2080 *et seq.* The Project proponent shall comply with the mitigation measures detailed in the take authorization issued by CDFW. The Project proponent

S-2.3
cont.

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shall provide a copy of a fully executed take authorization to the City prior to implementing Project ground disturbing activities and vegetation removal.

S-2.3
cont.

COMMENT # 2: Impacts to Crotch's Bumble Bee

Issue: Project activities (i.e. vegetation removal and ground disturbance) could adversely impact Crotch's bumble bee.

Specific impact: The DEIR states Crotch's bumble bee has the potential to occur due to suitable habitat on site, but no mitigation measures were proposed.

Why impact would occur: According to the DEIR, there is suitable vegetation and habitat for host plants within the Project area, such as coastal sage scrub and coyote brush scrub, for Crotch's bumble bee. The Project's ground and vegetation disturbance could result in potentially significant impacts to Crotch's bumble bee, including loss of foraging resources, changes in foraging behavior, burrow collapse, nest abandonment, reduced nest success, reduced health and vigor of eggs, young, and/or queens, and direct mortality. Additionally, a CNDDDB search shows the Project area is in within the [Crotch's Bumble Bee Range](#) and displays multiple observations within one mile (CDFW 2024c). They are generalist foragers and can be found throughout most of southwestern California in areas that have suitable nesting habitat and floral resources. Moreover, the DEIR stated that small mammals capable of excavating nesting colony habitat have been observed within the Project area. Crotch's bumble bees primarily nest in late February through late October underground in abandoned small mammal burrows but may also nest under perennial bunch grasses or thatched annual grasses, under-brush piles, in old bird nests, and in dead trees or hollow logs (Williams et al. 2014; Hatfield et al. 2018). BIO-1 through BIO-9 do not call for focused surveys for Crotch's bumble bee and for construction to be halted if the species is detected during preconstruction surveys. Lack of focused surveys may result in undetected impacts to Crotch's bumble bee without appropriate take authorization under CESA.

S-2.4

Construction delays caused by work stoppages due to Crotch's bumble bee presence can extend the Project into additional breeding seasons, leading to increased risk of disturbance to Crotch's bumble bee. In addition to the biological cost of construction delays, such delays are expensive in terms of Project implementation and logistics.

Bumble bees live in colonies composed of a queen, workers, and, near the end of the season, reproductive members of the colony. Colonies are annual, with new nests initiated by solitary queens in the spring (Williams et al. 2014; Hatfield et al. 2018). New queens produced at the end of the annual colony cycle mate before entering diapause, which is a form of hibernation. Overwintering sites utilized by these solitary mated queens include soft, disturbed soil (Goulson 2010), or under leaf litter or other debris (Williams, et al. 2014). The highest detection probability is during the Colony Active Period of April through August, but Crotch's bumble bee could be in the Project area at any time of year. Ground disturbance and vegetation removal associated with Project

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implementation during the breeding season could also result in the incidental loss of breeding success or otherwise lead to nest abandonment in areas adjacent to the Project area. Habitat loss, as a result of the proposed Project, may further reduce foraging habitat for this species in the broader landscape, as development increases throughout the City.

Evidence impact may be significant: Recently, the California Fish and Game Commission accepted a petition to list the Crotch's bumble bee as endangered under CESA, determining the listing "may be warranted" and advancing the species to the candidacy stage of the CESA listing process. Take of any endangered, threatened, candidate species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9).

CDFW considers impacts to species that are candidates for CESA listing to be significant, under CEQA. Accordingly, the Project may have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS.

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cont.

Recommended Potentially Feasible Mitigation Measure(s)

Mitigation Measure #3: Focused Survey for Crotch's Bumble Bee

The Project proponent shall retain a qualified biologist with appropriate handling permits and familiar with the species' behavior and life history of the species. Focused surveys should follow CDFW's [Survey Considerations for California Endangered Species Act \(CESA\) Candidate Bumble Bee Species](#) (CDFW 2023). Focused surveys shall be conducted throughout the entire Project area during the appropriate flying season to ensure no missed detection of Crotch's bumble bee occurs. If Crotch's bumble bee is detected within the Project area, the Project proponent should consult with CDFW and obtain appropriate take authorization from CDFW (pursuant to Fish & G. Code, § 2080 et seq). The Project proponent should have a copy of a fully executed take authorization prior to any ground disturbance and vegetation removal. If an ITP through CESA is pursued, then the City shall also include details of impacts to the species and compensatory mitigation including land protection instruments and in-perpetuity funding.

COMMENT # 3: Non-Native Preliminary Plant Palette

Issue: The preliminary plant palette lists the use of invasive and several non-native species to be used within the Project area despite MM BIO-6.

Specific impact: The Project preliminary plant palette includes the use of plants not native to California, which reduce the value of habitat for native wildlife and risk overtaking the existing native plants, thereby, type converting the adjacent habitat.

S-2.5

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Why impact would occur: According to Figure 2-9 in the DEIR, the preliminary plant palette includes the use of multiple non-native and invasive species such as weeping bottlebrush (*Callistemon viminalis*), willow wattle (*Acacia iteaphylla*), and Berkeley sedge (*Carex divulsa*). Planting known invasive species would contribute to the degradation of nearby natural open space or riparian habitat. By not requiring all native trees and plants to be replaced by similar native trees and plant species, the replacement trees would not be fully mitigating the function and value of the impacted native tree species. CDFW supports the use of native plants for the Project, especially considering the Project's location adjacent to protected open space and natural areas. Additionally, invasive plant species spread quickly and can displace native plants, prevent native plant growth, and create monocultures. Invasive plants reduce the diversity of native plant species.

Evidence impact would be significant: Certain species are in danger of extinction because their habitats have been severely reduced in acreage, are threatened with destruction or adverse modification, or because of a combination of these and other factors. The CESA and Native Plant Protection Act (NPPA) provide additional protections for such species, including take prohibitions (Fish & G. Code, § 2050 et seq.; Fish & G. Code, § 1908).

S-2.5
cont.

Recommended Potentially Feasible Mitigation Measure(s)

Recommendation #1: Native Preliminary Plant Palette

The preliminary plant palette in Figure 2-9 should be revised to use native trees and plant species to replace the native trees and vegetation being impacted by the Project, and remove any invasive or non-native species listed in the preliminary plant palette. More specifically, endemic and riparian species, commonly found within the Goleta Slough, should be planted along the San Jose Creek where impacts occur.

ADDITIONAL COMMENTS

Mitigation and Monitoring Reporting Plan. CDFW recommends the Project's environmental document include mitigation measures recommended in this letter. CDFW has provided comments via a mitigation monitoring and reporting plan to assist in the development of feasible, specific, detailed (i.e., responsible party, timing, specific actions, location), and fully enforceable mitigation measures (CEQA Guidelines, § 15097; Pub. Resources Code, § 21081.6). The Lead Agency is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures. Per Public Resources Code section 21081.6(a)(1), CDFW has provided a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation Monitoring and Reporting Plan (Attachment A).

S-2.6

Lake and Streambed Alteration Agreement Acknowledgement. CDFW concurs with the Project's statement to notify CDFW pursuant to Fish and Game Code, section 1600 et seq. The Project should notify prior to any Project construction or activities. Based on

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this notification and other information, CDFW determines whether an LSA with the applicant is required prior to conducting the proposed activities. Please visit the [Lake and Streambed Alteration Program](#) webpage to obtain a notification package for an LSA. We look forward to further coordination with the City, and receipt of the streambed notification package for the Project.

S-2.7
cont.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The [CNDDDB website](#)³ provides direction regarding the types of information that should be reported and allows on-line submittal of field survey forms.

S-2.8

In addition, information on special status native plant populations and sensitive natural communities, should be submitted to CDFW's Vegetation Classification and Mapping Program using the [Combined Rapid Assessment and Relevé Form](#)⁴.

The City should ensure data collected for the preparation of the DEIR is properly submitted.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

S-2.9

CONCLUSION

CDFW appreciates the opportunity to comment on the DEIR to assist the City in identifying and mitigating Project impacts on biological resources. CDFW requests an opportunity to review and comment on any response that the City has to our comments and to receive notification of any forthcoming hearing date(s) for the Project (CEQA Guidelines, § 15073(e)).

S-2.10

³ <https://wildlife.ca.gov/Data/CNDDDB>

⁴ <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities/Submit>

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Questions regarding this letter or further coordination should be directed to Joleena De La Fe⁵, Environmental Scientist.

S-2.10
cont.

Sincerely,

DocuSigned by:

5991E19EF8094C3...

Victoria Tang
Environmental Program Manager
South Coast Region

ATTACHMENTS

Attachment A: Draft Mitigation, Monitoring, and Reporting Program

cc: California Department of Fish and Wildlife
Victoria Tang, Environmental Program Manager
Jennifer Turner, CEQA Supervisor
Steve Gibson, CESA Supervisor
Fritz Rieman, LSA Supervisor
Joleena De La Fe, CEQA staff
Cooper Wall, CESA Staff

Office of Planning and Research
State.Clearinghouse@opr.ca.gov

REFERENCES

[CDFW] California Department of Fish and Wildlife. 2023. Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species. Available from: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline>

[CDFW] California Department of Fish and Wildlife. 2024a. Goleta Slough Ecological Reserve. Available from: <https://wildlife.ca.gov/Lands/Places-to-Visit/Goleta-Slough-ER>

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[CDFW] California Department of Fish and Wildlife. 2024c. Crotch's Bumble Bee Range - CDFW [ds3095]. Available from: <https://data.ca.gov/dataset/crotch-s-bumble-bee-range-cdfw-ds3095>

⁵ Phone: (858) 354-3527; Email: Joleena.delafe@wildlife.ca.gov

Brian Hiefield
City of Goleta
November 22, 2024
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[USFWS] United States Fish and Wildlife Service. 2024. Belding's Savannah Sparrow. Available from: <https://www.fws.gov/story/beldings-savannah-sparrow>

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ATTACHMENT A: DRAFT MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

CDFW provides the following language to be incorporated into the MMRP for the Project.

Mitigation Measure	Timing	Responsible Party
Mitigation Measure #1: Belding’s Savannah Sparrow Avoidance - The City should revise MM BIO-2 to incorporate the <u>underlined</u> language and omit the language in strikethrough: To avoid indirect impacts to nesting habitat for the Belding’s savannah sparrow (<i>Passerculus sandwichensis beldingi</i> (BSS)), the construction contractor shall schedule noise and vibration-generating construction (excavation) within ~~250~~ <u>500</u> feet of suitable salt marsh (pickleweed) habitat within San Jose Creek and Old San Jose Creek to avoid the BSS breeding season. If avoidance during the BSS nesting season (March 15 through July 15) is infeasible, not more than ~~4-week~~ <u>three days</u> before initiation of excavation a City-approved biologist (retained by the Applicant/Permittee) with experience identifying and observing BSS shall conduct BSS surveys in suitable habitat with ~~250~~ <u>500</u> feet of construction to ensure that nests or individuals are not present in the work area or ~~250~~ <u>500</u>-foot buffer. The City-approved biologist shall conduct two morning surveys (1/2 hour before sunrise to 10:00 am) in saltmarsh habitat within ~~250~~ <u>500</u> feet of the development footprint determine the presence of Belding’s savannah sparrows in these areas. A recording of this species may not be used to detect the species unless the City-approved biologist has a Memorandum of Understanding issued by CDFW. The City-approved biologist shall note the type of bird activity observed and behavior such as defending territory, singing for a mate, scolding intruders, perching together, nest building, feeding young, and aerial chasing. If no BSS are observed within the ~~250~~ <u>500</u>-foot buffer excavation may commence. The	Prior to Project Initiation / During Project Construction	Lead Agency / Project Proponent / Qualified Biologist

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Mitigation Measure	Timing	Responsible Party
City-approved biologist shall then continue weekly surveys during all project activities to monitor for the presence of the BSS from March 15 through July 15. If an active BSS nest is observed within ~~250~~ <u>500</u> feet of the development area, the construction contractor shall cease project activities ~~within 250 feet of the nest~~, and the City-approved biologist shall contact the California Department of Fish and Wildlife (CDFW) and the City's Planning and Environmental Review Director within ~~48~~ <u>24</u> hours. ~~No project activities shall occur in in the 250-foot buffer until any young birds have fledged and left the area.~~ Verification that the construction schedule, surveys, and monitoring are being implemented shall be sent to the CDFW and the City <u>prior to ground disturbing activities</u>. The City-approved biologist shall document observations of BSS on California Natural Diversity Database forms and submitted to the CDFW upon project completion. Plan Requirements and Timing: Not more than 3 days before ground disturbance if ground disturbances commences between March 15 through July 15, including exporting or importing of soil, within ~~250~~ <u>500</u> feet of salt marsh vegetation, the Planning and Environmental Review Director, or designee, shall verify that construction and grading occurs outside the nesting season, or that BSS nest surveys have been conducted, and buffer requirements specified above are in place (if applicable). This measure, and any buffer requirements, shall be incorporated into the grading plans. A ~~250~~ <u>500</u>-foot buffer from salt marsh habitat shall be depicted on the grading plans. Monitoring: The Planning and Environmental Review Director, or designee, shall verify compliance not more than ~~4-week~~ <u>three days</u> before ground disturbances within ~~250~~		

Brian Hiefield
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Mitigation Measure	Timing	Responsible Party
500 feet of salt marsh vegetation if commencing between March 15 through July 15. Planning and Environmental Review Director, or designee, shall conduct periodic site inspections to ensure compliance throughout the construction period.		
Mitigation Measure #2: Belding's Savannah Sparrow Incidental Take Permit If Belding's savannah sparrow is detected the Project proponent shall coordinate with CDFW and obtain appropriate take authorization from CDFW (pursuant to Fish & Game Code, § 2080 et seq). The Project proponent shall comply with the mitigation measures detailed in the take authorization issued by CDFW. The Project proponent shall provide a copy of a fully executed take authorization to the City prior to implementing Project ground disturbing activities and vegetation removal.	Prior to Project Initiation / During Project Construction	Lead Agency / Project Proponent
Mitigation Measure #3: Focused Survey for Crotch's Bumble Bee The Project proponent shall retain a qualified biologist with appropriate handling permits and familiar with the species' behavior and life history of the species. Focused surveys should follow CDFW's Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species (CDFW 2023). Focused surveys shall be conducted throughout the entire Project area during the appropriate flying season to ensure no missed detection of Crotch's bumble bee occurs. If Crotch's bumble bee is detected within the Project area, the Project proponent should consult with CDFW and obtain appropriate take authorization from CDFW (pursuant to Fish & G. Code, § 2080 et seq). The Project proponent should have a copy of a fully executed take authorization prior to any ground disturbance and vegetation removal. If an ITP through CESA is pursued, then the City shall also include details of impacts to the	Prior to Project Initiation	Qualified Biologist / Project Proponent

Brian Hiefield
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Mitigation Measure	Timing	Responsible Party
species and compensatory mitigation including land protection instruments and in-perpetuity funding.		
Recommendation #1: Native Preliminary Plant Palette SD should revise the preliminary plant palette in Figure 2-9 to use native trees and plant species to replace the native trees and vegetation being impacted by the Project and remove any invasive or non-native species listed in the preliminary plant palette. More specifically, endemic and riparian species, commonly found within the Goleta Slough, should be planted along the San Jose Creek where impacts occur.	Prior to Project Initiation	Project Proponent

California Department of Transportation



CALTRANS DISTRICT 5
50 HIGUERA STREET | SAN LUIS OBISPO, CA 93401-5415
(805) 549-3101 | FAX (805) 549-3329 TTY 711
www.dot.ca.gov

November 25, 2024

Comment Letter S-3

Attn: Brian Hiefield, Associate Planner
City of Goleta
130 Cremona Drive,
Goleta, CA 93117
Via Email: bhiefield@cityofgoleta.org

RE: Caltrans Comments on The Draft Environmental Impact Report for the Sywest Industrial Building Development in the City of Goleta

Dear Mr. Hiefield,

Caltrans District 5 had the opportunity to review the Draft Environmental Impact Report and the July 2024 Traffic Study prepared by Associated Transportation Engineers (ATE) and offer the following comments based on this review.

Caltrans Traffic Operations Comments

It was noted by Caltrans that in the Traffic Study prepared by ATE, the Sandspit interchange was not studied as possible a connection to the project site. Please elaborate on the reasons why this interchange was not evaluated as an access alternative to the Hollister Ave interchange, which has a greater existing traffic demand.

S-3.1

Though the LOS analysis did not exceed the county threshold, and the Vehicle Miles Traveled (VMT) increase may not be considered significant, the project is generating 429 daily trips per the traffic study. Any cumulative VMT increase is to be accountable for a fair share contribution of the local development impact fees program and should be documented. Please share any fair share calculations, or how the project is exempt.

S-3.2

Thank you for the opportunity to review the proposed development and for considering Caltrans' feedback.

S-3.3

Sincerely,

Shelby Fredrick

Shelby Fredrick
Local Development Review Coordinator
Caltrans, District 5

Cc: Veronica Lezama, Branch Chief of Regional Planning South, Caltrans District 5



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1939 Harrison Street, Ste. 150
Oakland, CA 94612

www.lozeaudrury.com
Hayley@lozeaudrury.com

Via Email

Comment Letter O-1

October 24, 2024

Brian Hiefield, Associate Planner
Planning and Environmental Review Department
City of Goleta
130 Cremona Drive
Goleta, CA 93117
bhiefield@cityofgoleta.org

Re: Comment on Draft Environmental Impact Report, Sywest Industrial Building (SCH 2023040690)

Dear Mr. Hiefield:

This comment is submitted on behalf of Supporters Alliance for Environmental Responsibility (“SAFER”) regarding the Draft Environmental Impact Report (“DEIR”) prepared for the Sywest Industrial Building (SCH 2023040690), which proposes the demolition of existing drive-in theaters and construction of a 70,594-square-foot industrial warehouse building with 60,939 square feet of landscaping, 101 parking spaces, six loading zones, and ten bicycle parking spaces, located at the south end of South Kellogg Avenue adjacent to SR-217 in the City of Goleta (“Project”).

O-1.1

SAFER is concerned that the DEIR fails as an informational document and fails to impose all feasible mitigation measures to reduce the Project’s impacts. SAFER requests that the Planning and Environmental Review Department address these shortcomings in a revised draft environmental impact report (“RDEIR”) and recirculate the RDEIR before considering approvals for the Project.

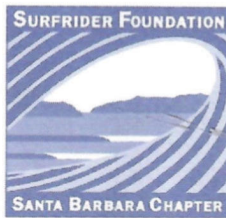
O-1.2

SAFER reserves the right to supplement these comments during the administrative process. *Galante Vineyards v. Monterey Peninsula Water Management Dist.*, 60 Cal. App. 4th 1109, 1121 (1997).

O-1.3

Sincerely,

Hayley Uno
Lozeau Drury LLP



SURFRIDER FOUNDATION

Santa Barbara Chapter

(805) 899-BLUE (2583)

Comment Letter O-2

October, 25, 2024

Mr. Hiefield,

Surfrider Foundation Santa Barbara Chapter would like to request that either the October 29 hearing for comments on the DEIR for 907 S. Kellogg be postponed or an additional hearing be scheduled. The time between the release of the DEIR and the sole scheduled comment hearing seems woefully inadequate for interested parties to fully review the rather lengthy and detailed DEIR.

O-2.1

Respectfully
Kenneth Palley
Executive Committee
Surfrider Foundation
Santa Barbara Chapter

A handwritten signature in black ink that reads "Ken Palley".

A meeting to take comments on the adequacy of Draft EIR will be held by the City Environmental Hearing

Officer (EHO) on:

DATE AND TIME: Tuesday, October 29, 2024, at 5:00 P.M.

LOCATION: Goleta City Hall, 130 Cremona Drive, Goleta, CA, 93117 and Teleconference Meeting; this meeting will be held in person and via Zoom (with detailed instructions for participation included on the posted agenda and below.)

email santabarbara@surfrider.org • www.sbsurfrider.org

P.O. Box 21703 Santa Barbara, California 93121-1703

Date: Tue, 29 Oct 2024 11:58:19 PM (UTC)
Sent: Tue, 29 Oct 2024 11:58:05 PM (UTC)
Subject: Sywest and SB Audubon comments
From: Jessie Altstatt <jessie.altstatt@gmail.com >
To: Brian Hiefield <bhiefield@cityofgoleta.org >;

Comment Letter O-3

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Brian,

I wanted to let you know that Santa Barbara Audubon Society will be submitting a letter in coming weeks on the Sywest Industrial Building Project, and our concerns include (but are not limited to) the proposed reduction of the 100' streamside buffer, and proposed planting pallet. This area is part of the Goleta Slough ecosystem (and adjacent to the Goleta Slough State Marine Conservation Area and we don't agree that planting upland shrubs and non-native invasive grasses (*Lomandra spp*) is appropriate.

O-3.1

[https://wildlife.ca.gov/Conservation/Marine/MPAs/Goleta- Slough](https://wildlife.ca.gov/Conservation/Marine/MPAs/Goleta-Slough)

Additionally, we will argue that nothing should be built at this site, as it is on top of the historic Goleta Slough and sits barely above sea level. Rather, we would prefer to see the lands put into conservation and restored into a wetlands/ tidal marsh ecosystem which could help buffer Old Town from future sea level rise impacts.

O-3.2

Thank you, and respectfully-

Jessie

--

Jessica Altstatt
Chair, Conservation Science Committee
Santa Barbara Audubon Society

November 14, 2024

Brian Hiefield, Associate Planner City of Goleta
Planning & Environmental Review Department
130 Cremona Drive Goleta, CA 93117

Re: Comments on the Sywest Industrial Building Project - Draft EIR

Dear Mr. Hiefield,

The board of the Santa Barbara Urban Creeks Council (SBUCC) would like to offer comments on the Sywest Industrial Building Projects Draft EIR. The SBUCC is a local organization with a thirty-year history dedicated to the preservation, protection, and restoration of natural and urban streams. Our Board of Directors has considerable experience with local biological resources and a long history of working with City and County staff on streamside protection areas (SPA).

O-4.1

In our review of the Draft EIR one item jumped out, and that was the waiver request to reduce the SPA from 100 feet to 25 feet. According to the Goleta General Plan/Coastal Land Use Plan the City may allow portions of a SPA buffer to be less than 100 feet wide, but not less than 25 feet wide, based on a site specific assessment if (1) there is no feasible alternative siting for development that will avoid the SPA upland buffer; and (2) the project's impacts will not have significant adverse effects on streamside vegetation or the biotic quality of the stream.

As required by the California Environmental Quality Act (CEQA), this DEIR examines alternatives to the proposed project. Studied alternatives include the following three alternatives.

- ♣ Alternative 1: No Project Alternative
- ♣ Alternative 2: 100-foot Streamside Protection Area Setback
- ♣ Alternative 3: Outdoor Storage Alternative 1

O-4.2

In the DEIR the description of Alternative 2 reads:

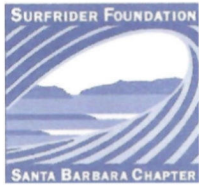
Alternative 2 (100-foot Streamside Protection Area Setback) would include similar components as the proposed project and would be constructed on the same project site. However, the layout and shape of the proposed industrial building would be reconfigured and the location on the project site would be shifted to the northwest and southwest in order to avoid development within the San Jose Creek 100-foot SPA buffer to the extent feasible and would also be 63 feet further from State Route 217 compared to the proposed project. Development within the 100-foot SPA would be limited to access road improvements, installation of the underground utility trench, and the addition of landscaping, which would consist of native California riparian and upper wetland habitat. Like the proposed project, the square footage of the industrial warehouse would be 70,594 sf. Due to the reconfigured footprint of the proposed building, an additional 1,600 cy of fill would be required to elevate the building above the floodplain compared to the proposed project.

Since Alternative 2 is essentially the same project **with** the 100-foot SPA it would seem the Goleta City staff **should not and cannot** approve the SPA waiver. The SBUCC board strongly supports the adoption of Alternative 2 with its protection and enhancement of San Jose Creek.

This concludes SBUCC comments on the DEIR. Thank you for considering this input.
Sincerely

O-4.3

Vince Semonsen, SBUCC Board Member



SURFRIDER FOUNDATION
Santa Barbara Chapter
(805) 899-BLUE (2583)

Comment Letter O-5

November 23, 2024

Brian Hiefield, Associate Planner

City of Goleta Planning and Environmental Review Department
130 Cremona Drive
Goleta, CA 93117

Re: Comments on the Sywest Industrial Building Project Draft EIR, Case No. 17-121-DP

Subject: Comments on the Adequacy of the Draft Environmental Impact Report for the Sywest Industrial Building Project

Dear Mr. Hiefield,

Surfrider Foundation, Santa Barbara Chapter appreciates the opportunity to comment on the adequacy of the Draft Environmental Impact Report (DEIR) for the proposed Sywest Industrial Building Project. We have concerns regarding the environmental analysis and potential impacts on sensitive creek and ocean resources. These impacts could be reduced with revisions to the overly narrow project objectives which would allow for a site reconfiguration, and the consideration of a reduced project Alternative 2 that moves parking and site access away from San Jose creek.

O-5.1

We believe the City should only consider moving forward with alternatives that would reduce project impacts and, more importantly, those that align with the existing 100-foot Streamside Protection Area (SPA) setback requirement for creekside development. It is particularly concerning that the City would consider an exception to this requirement when there are additional possibilities for the site that would better protect creek and ocean resources (e.g., Alternative 2 or a reduced version of it).

The **precedent** this project would set for reductions in creek setbacks along other portions of San Jose Creek is very problematic given the site's potential for flooding and direct effects from projected sea level rise and storm surges. There is no justification to grant the requested creek setback reduction, since the project does not meet the criteria for a Statement of Overriding Consideration under CEQA, and other viable alternatives are available that would still meet the basic project objectives. We urge the City to address these concerns and revise the range of alternatives in the Final Environmental Impact Report (FEIR) to ensure a comprehensive evaluation of environmental effects and to reduce potential impacts of the project. Our concerns and suggestions are outlined below:

O-5.2

1. Project Objectives and Lack of Alternatives

The DEIR outlines several project objectives that are overly narrow and back into the project description, effectively limiting the range of viable alternatives considered in the environmental analysis. Specifically, the first stated objective- “To develop a project with long-term viability through design by providing sufficient square footage with flexibility of interior size and arrangement for up to 4 tenant spaces with 6 loading docks”-backs into a pre-determined project outcome, thereby precluding a thorough evaluation of a less impactful *reduced project* site alternative. We strongly urge the City to remove this objective from the list to allow for a reduced project Alternative 2. As the DEIR states in its analysis for Alternative 2:

“Development within the 100-foot SPA would be limited to access road improvements, installation of the underground utility trench, and the addition of landscaping, which would consist of native California riparian and upper wetland habitat. Like the proposed project, the square footage of the industrial warehouse would be 70,594 sf.”

O-5.3

This alternative could be further improved by reconfiguring it to **move all parking and site access away from the creek**, and reducing the overall footprint of the site where possible. The proposed access road improvements should not be included within the 100-foot SPA, since this qualifies as development. Under the proposed project, this existing access road would be resurfaced, and the east curb of the driveway connecting the existing access road to South Kellogg Avenue would be widened in order to provide adequate maneuvering area for delivery trucks to enter and exit the project site. Using this portion of the site for primary access to the facility would introduce additional pollutants into San Jose creek. This access should be reconfigured and moved out of the 100’ creek setback area, especially considering the fact that potentially limited amounts of hazardous materials and other pollutants would be carried into the site in this location.

Additionally, the last project objective is overly narrow: “Provide a permanent critical access easement to the flood channel for the City of Goleta and the Santa Barbara County Flood Control District.” The County has been using this road to access the creek channel for decades, and this project would not change that.

O-5.4

The City must balance the need for economic development with goals such as preserving riparian buffers, reducing floodplain development in the face of climate change, and enhancing ecological resilience. Given that the city is currently considering implementing major restoration alongside San Jose creek in the upper reaches of it (north and south of Cathedral Oaks), it would make sense to continue to try and restore other areas where possible. The DEIR states: “The relocation of Alternative 2’s proposed development on the project site outside of the 100-foot SPA buffer would result in reduced impacts related to biological resources in comparison to the proposed project and would not require a creek setback exception.”

O-5.5

The goal should be to identify a project design and alternative that minimizes environmental impacts and does not require an exception to the 100 feet creek setback policy or road improvements within that setback.

2. Stormwater Management and Floodplain Concerns

The DEIR notes that the project site is within a mapped 100-year floodplain, with plans to elevate the proposed building by 4 to 6 feet using approximately 38,000 cubic yards of fill. Given the increasing severity of storms due to climate change, we are concerned about the potential for any contamination contained in the imported fill to run off into the creek during major storm events. The report should include a more robust analysis of how projected climate change impacts, including more intense storm surges and sea level rise, could exacerbate flood risks. Specifically:

- Creek setback exceptions should not be considered for a major industrial development (70,000 sf+) in a known floodplain when climate change predictions are expecting sea level rise and storm surges in this area.
- The source and quality of the proposed fill material should be clarified to ensure it does not introduce contaminants to the creek.
- The detention basin at the southern border of the development area with a new 18-inch outfall to be constructed in the existing San Jose Creek concrete channel wall could have major implications for the water quality entering the creek and ocean. In the likely event of a major storm system that would flood the site, there is great potential for contaminants from site runoff to empty into the creek and ocean. The proposed detention basin has only been sized to reduce the post-project peak runoff to less than the pre-project peak runoff for a 2-year to 100-year flood event (DEIR, Appendix H). However, given the increase in vulnerability of the site due to climate change predictions, this would not be adequate since the 100 year floodplain is extremely volatile and floods are occurring more often than historic “100 year” floodplain levels.
- Stormwater runoff from the northeastern portion of the project site would be directed to a vegetated drainage swale located along the eastern side of the entry driveway prior to discharge to an existing storm drain outlet. However, there is great potential for the swale to become overwhelmed by a major storm system resulting in contaminants flowing into San Jose Creek. As we have seen from recent years of storm events in Santa Barbara County, the “100 year” floodplain surge is now becoming a fairly regular event and all new development should proactively address this concern. Careful pre-treatment of runoff should be incorporated into the project prior to any runoff entering the proposed vegetated drainage swale. As the DEIR acknowledges (emphasis added):

“The project site is situated in a low-lying area approximately 0.6 mile from the coastline that protects the project site against additional impacts due to sea level rise and climate change such as waves, wave run-up, or wave overtopping, as well as shoreline and bluff erosion that would affect sites fronting the ocean or closer to the shoreline. **However, the project site is near creeks that are currently subject to flooding due to stormwater runoff and coastal inundation from storm surges, making the location of the proposed industrial building an area vulnerable to inundation from future sea level rise (Appendix N).**”

This potential for inundation due to sea level rise should result in the elimination of the primary project access road within the required 100 foot SPA buffer. The access road should be relocated with a revised site configuration of a reduced Alternative 2.

O-5.6

O-5.7

In fact, the City's own policies state (emphasis added):

"SE 6.4: Avoidance of Flood Hazard Areas. The City shall discourage any new intensive development in any flood hazard area. Similarly, the City shall require appropriate flood mitigation for intensification of existing development in any floodprone area. **The City shall not approve development within areas designated as the 100-year floodplain that would obstruct flood flow (such as construction in the designated floodway), displace floodwaters onto other property, or be subject to flood damage. The City shall not allow development that will create or worsen drainage problems.**"

O-5.7
cont.

3. Hydrology and Water Quality

The proposal includes constructing a new 18-inch outfall in the San Jose Creek concrete channel wall to handle overflow from the detention basin. This could introduce pollutants into the creek, affecting water quality and aquatic habitats. The project would introduce a variety of pollutants to a site that is currently vacant and relatively undeveloped. We assume that construction related pollutants will be mitigated by NPDES/SWPPP mitigation measures.

- Hydrocarbons and heavy metals from vehicles, automotive products, and chemicals could be spilled or dumped into the storm drain system from the proposed parking lot adjacent to the creek. The impermeable surfaces adjacent to San Jose Creek would accumulate deposits of oil, grease and other vehicle fluids, and hydrocarbons (which can be toxic to aquatic organisms at low concentrations).
- While we acknowledge that the site currently contains asphalt, it has never been used for daily parking for extended periods of time or for daily commercial truck loads. This would be a new project impact. Given the sensitive nature of the site and its location, a heightened threshold of pollutant mitigation should be implemented to ensure that pollutants of concern are properly mitigated prior to discharge offsite. That includes making sure that the imported fill is clean from any potential contaminants.
- Development of this industrial nature would likely result in a discharge of additional pollutants into a designated "impaired" waterbody (San Jose Creek).
- As the DEIR states: "The proposed industrial building could be leased to multiple tenants, whose **operations could involve the transport, use, and disposal of small quantities of hazardous materials for routine maintenance or cleaning. During operation, oil leaks from vehicles traveling to and from the project site, use of pesticides or fertilizers for landscape maintenance, the leaching of metals from roof and drains, or litter could be carried off-site during storm events and could result in potential water quality impacts.**" These potential impacts would be reduced by moving all development outside of the 100 foot setback as required by policy.

O-5.8

4. Lighting and Aesthetics

The project includes exterior LED lighting, which may affect nocturnal wildlife and disrupt the visual quality of the surrounding area. The DEIR should:

- Evaluate the impact of proposed lighting on local wildlife, particularly species sensitive to artificial light.

O-5.9

- Implement Dark Sky compliant measures to reduce light pollution, such as motion sensors and shielded fixtures, to minimize impacts on adjacent natural habitats and views from the 217.

O-5.9
cont.

Conclusion

In summary, the DEIR for the Sywest Industrial Building Project is inadequate in its current form. It fails to fully consider the environmental implications of developing within a floodplain, reducing SPA setbacks, and potentially degrading water quality in San Jose Creek. Moreover, the project's narrow objectives and limited alternatives analysis do not align with the City of Goleta's broader goals of sustainable development and environmental stewardship.

We strongly recommend that the City of Goleta:

- Re-evaluate the project objectives to allow for a broader range of alternatives
- Expand the alternatives analysis to include options that better protect sensitive habitats and align with the 100' stream setback requirement.
- Strengthen mitigation measures to address stormwater management, water quality, and biological resource protection.

O-5.10

Thank you for considering our comments. We are committed to supporting the City of Goleta in achieving a balanced approach to development that prioritizes both economic benefits and the preservation of natural resources. We look forward to reviewing a revised DEIR that addresses these concerns.

Sincerely,

Christina McGinnis, on behalf of Surfrider Foundation
via email transmission

Email: santabarbara@surfrider.org www.sbsurfrider.org
P.O Box 21703 Santa Barbara, California 93121-1703

October 29, 2024

Comment Letter I-1

Re: DEIR for the Sywest Industrial
Building Project

CASE No: 17-121-DP

APN: 071-190-035

Attn: City of Goleta Environmental Hearing Officer (EHO)

Caitlin Colyer, Planning Commission Clerk for Planning and
Environmental Review

From: Ingeborg Cox MD, MPH
(805) 968-1109

The Project is a 70,594 square foot industrial warehouse in a Goleta floodplain and located in the Coastal Zone. Additionally the request includes a 75 - foot streamside protection area buffer **reduction** from 100 feet to 25 feet. This is not "pro environment " but the contrary and should be denied.

I-1.1

This possibly could affect **three creeks** in the region: San Jose Creek, San Pedro and Atascadero Creeks.

I-1.2

Also consider the impact of the 600 cubic yards of soil cut and 38,000 cubic yards of soil fill, to the area and to Goleta Beach.

I-1.3

It is mentioned that the Project will have **significant and unavoidable Class I** specific and cumulative impacts in Biological Resources, Land Use and solid waste. Class I impacts are significant and a project of this magnitude should be denied.

I-1.4

Also mentioned in the draft EIR are Class II impacts on the environment in the areas of: Hydrology and Water, Noise, Hazardous Materials and Geology and Soils. This project will not be a plus but will be a minus for this area in my opinion.

I-1.5

Also why is this not being discussed with the citizens of Goleta in DRB meetings, the Planning Commission and City Council. They should be the ones addressing the adequacy of the EIR. Not only one person, in this case the EHO.

I-1.6

Date: Thu, 31 Oct 2024 7:28:11 PM (UTC)

Comment Letter I-2

Sent: Thu, 31 Oct 2024 7:27:04 PM (UTC)

Subject: Why the 100m ft setback exists and is necessary

From: Ken Palley <kpalley1946@gmail.com >

To: Christina McGinnis <mcginnisenv@gmail.com >; Nate Irwin <Nate@sbck.org >; Vince Semonsen <Vsemonsens@gmail.com >; Brian Hiefield <bhiefield@cityofgoleta.org >; Jessie Alstatt <jessie.altstatt@gmail.com >; Ken Palley <kpalley1946@gmail.com >;

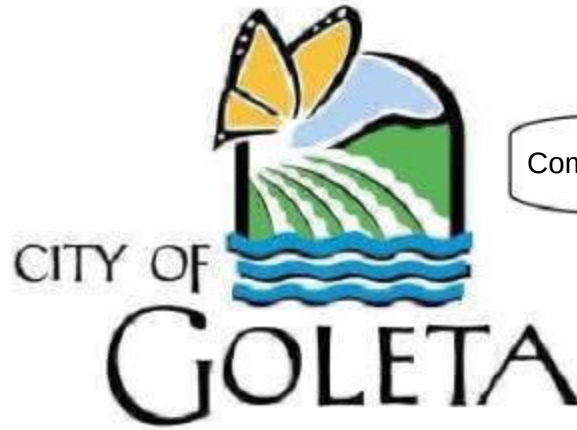
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<https://www.yahoo.com/news/spain-flooding-latest-least-51-100458852.html>

Too many places (Florida, Asheville, NC, Pakistan, Spain, Italy etc) have been hit with never before imagined floods for us to imagine that it can't or won't happen here. It probably will. Reducing the setback for an industrial storage facility that could legally store hazardous waste in accordance to whatever the current hazardous waste storage rules are is insane. I would wager that such hazardous waste storage rules do not take 100 year floods into consideration.

I-2.1

Ken



Comments EHO-1 and EHO-2

ENVIRONMENTAL HEARING OFFICER (EHO) HEARING
SYWEST DRAFT ENVIRONMENTAL IMPACT REPORT (Draft EIR)
HEARING MINUTES OF OCTOBER 29, 2024

Current Planning Manager Lisa Prasse, serving as EHO, called the meeting to order at 5:00 P.M. EHO Prasse asked for public comment and asked for the presentation from staff. At about 5:10 PM, it was identified that there were technical difficulties occurring affecting the audio portion of the meeting.

After resolving the technical difficulties, the meeting was called to order again at 5:14 P.M. and Brian Hiefield, Associate Planner, along with Nicole West of Rincon Consultants gave a staff presentation again. The presentation followed the Power Point presentation which can be accessed here (<https://www.cityofgoleta.org/home/showpublisheddocument/31312>). Additionally, Associate Planner Hiefield briefly described the three alternatives that are included in the Draft EIR.

Mr. Hiefield also stated that physical copies of the Draft EIR are available for review at the Goleta Library, the Community Center and at City Hall during normal business hours. The Draft EIR is also accessible online at (<https://www.cityofgoleta.org/your-city/planning-and-environmental-review/ceqa-review/sywest>). The public may submit comments on the Draft EIR to Associate Planner Hiefield at bhiefield@cityofgoleta.org until 5 pm on November 25, 2024, when the public review period closes.

Ms. Prasse opened the meeting to public comments.

Public Speakers:

Ken Palley spoke about the Streamside Protection Area (SPA) buffer needing a detailed study, that he didn't see a significant traffic study included in the document, and that cumulative impacts needed to be accounted for, specifically related to the ease in which SPA buffer waivers can be approved.

EHO-1

Christina McGinnis stated the objectives are written too narrowly so as to not allow for a reasonable range of alternatives to be considered. She requested an alternative that would move the parking. She also stated that upstream of the site San Jose Creek is being restored and this area adjacent to the site should be restored as well.

EHO-2

There were no additional public speakers.

Ms. Prasse thanked everyone for the comments, stated that the public review period will close on November 25th and closed the meeting at 5:41 P.M.